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FILED 10 SEP 29 1403 USDC ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

FLIR SYSTEMS, INC., an Oregon corporation,

Plaintiff,

v.

THOMAS L. GAMBARO, an individual;
and **MOTIONLESS KEYBOARD COMPANY**, an Oregon corporation

Defendants.

Case No. CV 10-0231-BR

NOTICE UNDER RULE 5.1 FOR CONSTITUTIONAL CHALLENGE OF PATENT INFRINGEMENT DUE PROCESS

DEMAND FOR JURY TRIAL

NOTICE UNDER RULE 5.1 FOR CONSTITUTIONAL CHALLENGE OF PATENT INFRINGEMENT DUE PROCESS

Pursuant to Rule 5.1 the Defendant Pro Se respectfully serves notice that the pending case will become test case for a proposed Constitutional Challenge of the Statutes for a revised process in judicial matters involving patent infringement cases prior to the case being allowed into Federal Court whereby the U.S. Patent and Trademark Office immediately becomes a party in any patent infringement disputes and the U.S. Patent and

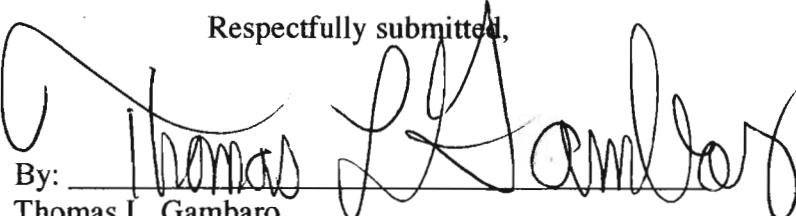
Traemark Office will conduct a review of the Accused Products to the legal standard of

NOTICE UNDER RULE 5.1 FOR CONSTITUTIONAL CHALLENGE OF PATENT INFRINGEMENT DUE PROCESS

“one skilled in the art” of the subject matter of the patent infringement prior to the case being approved for filing in Federal Court. The notice is supported by the Declaration of Thomas L. Gambaro in support of issues relating to a Partial Summary Judgment process in progress that denies the U.S. Patent and Trademark Office of their due process of law to maintain higher standards of law for issuing and maintaining the patent system. This trial case has a two precedents of violations of the rights of patent holders where the establishment of basic facts was not established prior to ruling of law being ordered. This case also includes a precedent where the U.S. Patent and Trademark Office did step in for the last step of the judicial process and justice prevailed. The Constitutional Challenge to the Statutes would bring one of the true parties of interest in patent infringement cases in the case early on to establish facts at the legal standard of “one skilled in the art”.

Dated: September 29, 2010

Respectfully submitted,

By: 
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 29, 2010, a true copy of the foregoing **NOTICE UNDER RULE 5.1 FOR CONSTITUTIONAL CHALLENGE OF PATENT INFRINGEMENT DUE PROCESS** was served to the following counsel by hand delivery, electronic filing via e-mail with electronic signature and first class mail:

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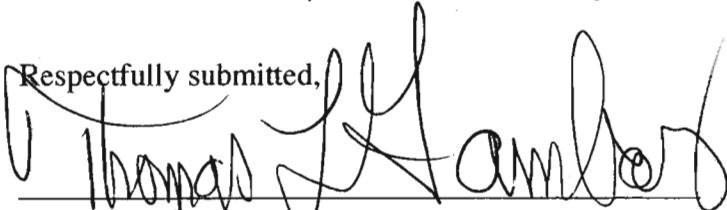
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September 29, 2010 By: